# Executive Summary

## ES.1 Introduction

On July 30, 2001, the Six County Association of Governments[1] (SCAOG or the Applicant) filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 United States Code (USC) 10502 for authority to construct and operate 43.2 miles of new single-track rail line in Sanpete, Sevier, and Juab Counties, Utah.[2] This new line would connect the Union Pacific Railroad (UPRR) mainline about 16 miles south of Nephi, near Juab, Utah, to a proposed coal transfer terminal facility about 0.5 mile southwest of Salina, Utah (see Figure ES-1 below).

A portion of the proposed rail line would cross segments of public land administered by the U.S. Department of the Interior, Bureau of Land Management (BLM). Therefore, on February 14, 2005, the Applicant filed a right-of-way application with BLM pursuant to Section 501(a)(6) of the Federal Land Policy and Management Act of October 21, 1976 (43 USC 1761). BLM will decide the right-of-way application after the completion of the environmental review process here as discussed below.

In June 2007, the Draft Environmental Impact Statement (Draft EIS) was issued by the Board's Office of Environmental Analysis (OEA)[3] in cooperation with BLM. Under the requirements of the National Environmental Policy Act of 1969 (NEPA), the Board is the lead agency for preparing the Draft EIS, and BLM is a cooperating agency.[4] The Draft EIS was prepared in compliance with NEPA, the Board's regulations for implementing NEPA (49 Code of Federal Regulations [CFR] Part 1105), the guidance provided by the Council on Environmental Quality's (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR 1500), and BLM's policy procedures and guidance documents.

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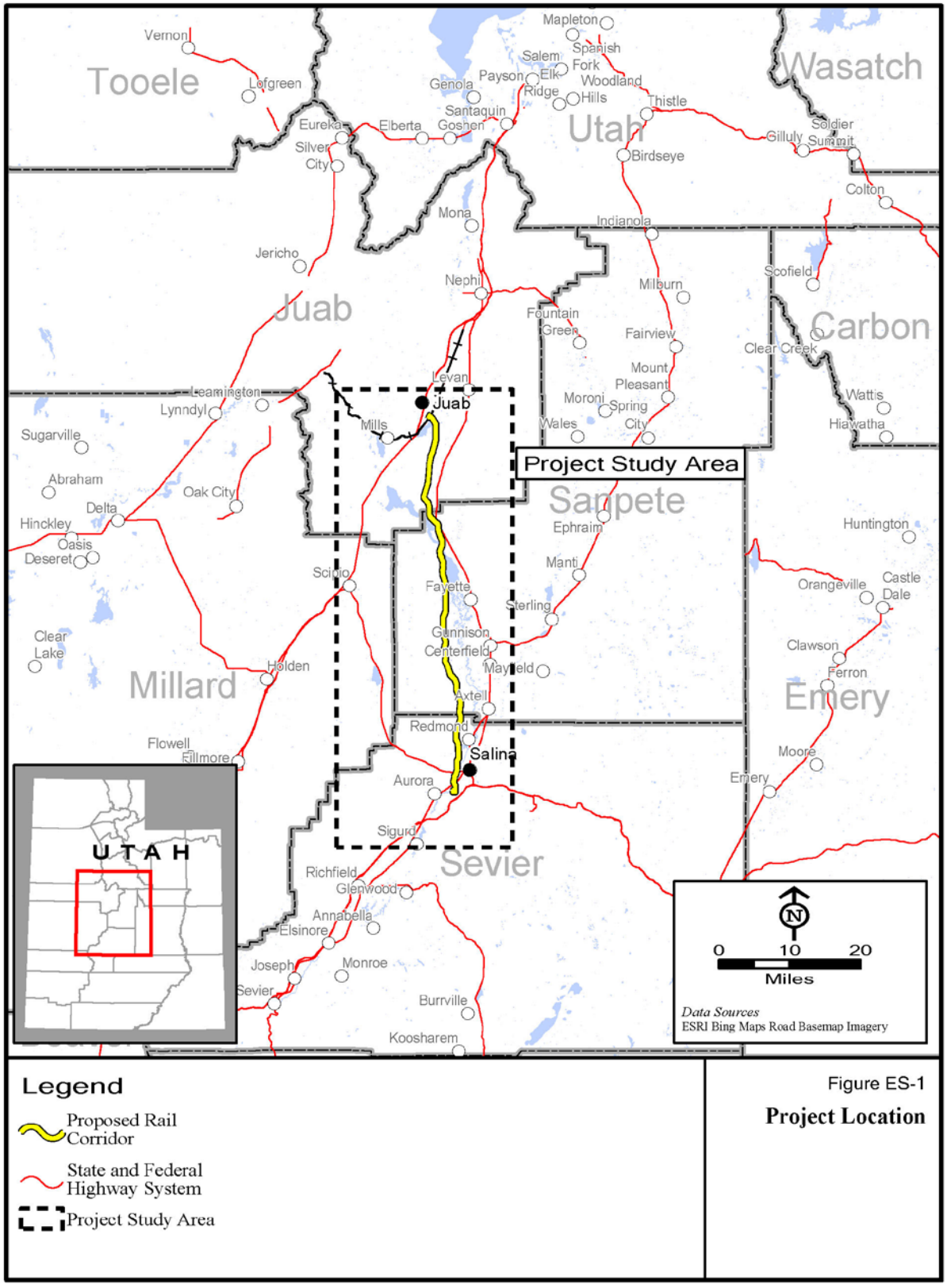
1 SCAOG is a voluntary association of local governments of Sevier, Juab, Sanpete, Millard, Piute, and Wayne Counties in Utah. Its general purpose is to act as an "umbrella-type" organization to plan and develop programs with respect to various economic activities including, but not limited to, owning, acquiring, constructing, operating, and financing transportation facilities.

2 In a decision of December 19, 2001, under 49 USC 10502, the Board conditionally exempted SCAOG's construction and operation of a new rail line along the proposed rail corridor between Juab and Salina, Utah, from the prior approval requirement of 49 USC 10901 subject to the Board's consideration of the anticipated environmental impacts of the proposal. In that decision, the Board stated that, on completion of the environmental review process, the Board will issue a further decision making the exemption effective at that time, if appropriate, thereby allowing construction to begin.

3 OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010. OEA is responsible for ensuring that the Board's decision complies with NEPA and related environmental laws.

4 The U.S. Army Corps of Engineers (USACE) was not a cooperating agency during the preparation of the Draft EIS. However, USACE is a cooperating agency for the preparation of this Supplemental Draft EIS.

## Figure ES-1. Project Location



After issuance of the Draft EIS, OEA received comments from several agencies raising concerns about the impacts on wetlands of the alternatives carried forward.[5] The U.S. Environmental Protection Agency (EPA), in an informal comment letter, suggested that a more detailed assessment and characterization of the wetlands for the alternatives carried forward be conducted (see Appendix A, Supplemental Correspondence, of this Supplemental Draft EIS). In its comments, EPA recommended that the Board consider an alternative that would avoid or have fewer impacts on wetlands at the northern terminus of the project. EPA also suggested that the EIS should contain detailed mitigation for wetland loss. The U.S. Department of the Interior, Office of Environmental Policy and Compliance, and the Utah Division of Wildlife Resources expressed interest in receiving additional information on the springheads and wetlands in the Chicken Creek Reservoir area near Nephi, Utah.[6]

OEA directed the Applicant to provide additional information on wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the proposed project. In response to OEA's request, the Applicant conducted a wetland investigation along the proposed routes. The Applicant used the information gathered during these wetland investigations to develop three new modified alternatives. These three alternatives, which are referred to as Alternatives B1, B2, and B3 and are modifications of the Proposed Action (Alternative B in the Draft EIS), are addressed in this Supplemental Draft EIS (see Figure ES-2 below). OEA believes that these modified alternatives represent feasible variations of Alternative B at the northern and southern ends of the line that would result in less impact to the overall aquatic environment.

Since issuance of the Draft EIS, OEA has been working closely with the U.S. Army Corps of Engineers (USACE) to develop feasible alternatives that would reduce the number of wetlands impacted by the alternatives in the project area. To ensure that all feasible northern alternative options were assessed, OEA also re-evaluated a route dismissed in the Draft EIS (Alternative N1), because of its construction and operational concerns, for the potential to minimally impact wetlands. For convenience, we have continued to designate this route as Alternative N1. We have also considered two minor variations of this alternative: Alternatives N1a and N1b (see Figure ES-2 below). The results of the wetland investigation are included in the analysis of wetland impacts in this Supplemental Draft EIS.[7]

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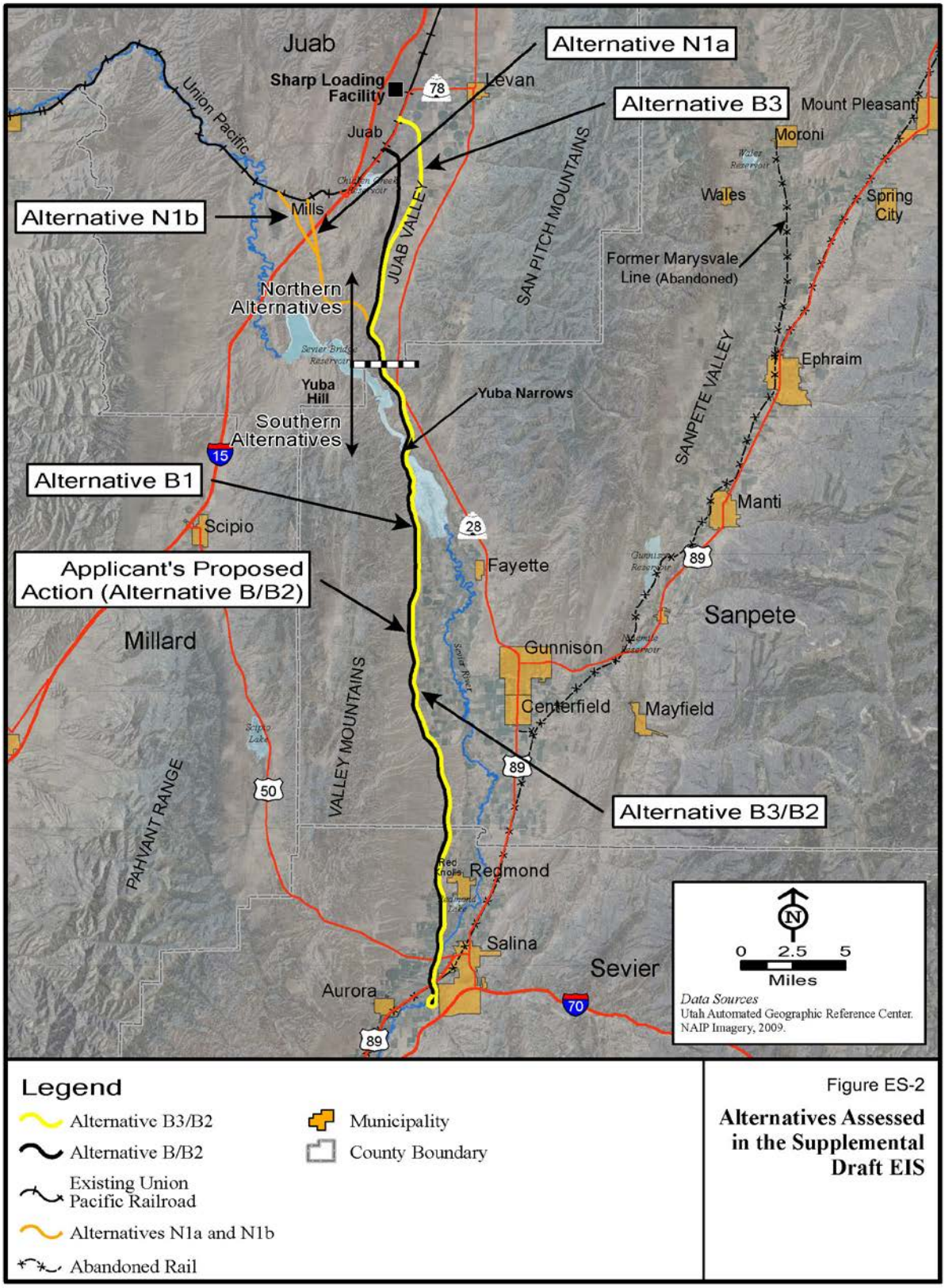
[5] A detailed discussion of the alternatives evaluated in the Draft EIS can be found in detail in Chapter 2, Proposed Action and Alternatives, of the Draft EIS. Where appropriate, this Supplemental Draft EIS relies on, and incorporates by reference, the analysis in the Draft EIS.

[6] In response to concerns and comments on wetlands in the project area, OEA invited representatives from EPA, USACE, BLM, the U.S. Fish and Wildlife Service (USFWS), and the Utah Division of Wildlife Resources on a field tour of the alignment for the Proposed Action to provide a first-hand view and understanding of the project area. The field tour occurred on October 1–3, 2007.

[7] Generally, detailed assessment and characterization of wetlands are performed for purposes of an Applicant's permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Site-specific mitigation is also developed as part of the Section 404 permit process. The Applicant has not yet applied for a Section 404 permit. When an Applicant has not completed the Section 404 permit process prior to the issuance of the Draft EIS, Supplemental Draft EIS, or Final EIS, OEA recommends that the Board impose a condition on any authorization to construct and operate a rail line that requires the Applicant to obtain a Section 404 permit. In the Draft EIS, OEA, as part of its recommended mitigation, required the Applicant to obtain the necessary permits from USACE prior to initiation of any project-related construction activities in wetlands and water bodies. Similar mitigation is included in this Supplemental Draft EIS.

## Figure ES-2. Alternatives Assessed in the Supplemental Draft EIS



In addition to providing a more robust analysis of wetlands, this Supplemental Draft EIS also reanalyzes the alternatives-development process and updates historic property issues under Section 106 of the National Historic Preservation Act (NHPA).

OEA has extended the comment period on the Draft EIS to coincide with the comment period for this Supplemental Draft EIS. After the close of the comment period on the Draft EIS and the Supplemental Draft EIS, OEA will prepare a Final EIS that considers comments received on the content and conclusions of both the Draft EIS and Supplemental Draft EIS.

## ES.2 Agency Responsibilities

The Board, BLM, and USACE will each make decisions following the completion of the NEPA review of the Proposed Action.

- The Board will decide whether to approve, approve with conditions (which could include conditions designed to mitigate potential impacts on the environment), or deny SCAOG's request for a license to construct and operate the proposed new rail line.
- BLM will decide whether to approve or deny a right-of-way grant across public land in the project area to construct, operate, maintain, and terminate relevant segments of the proposed rail line. This public land is located in Sevier and Sanpete Counties, Utah, and is under the management jurisdiction of BLM's Richfield Field Office.
- USACE will decide whether to issue, issue with conditions, or deny a permit pursuant to Section 404 of the Clean Water Act. Section 404 regulates the discharge of dredged or fill material into Waters of the U.S. including some wetlands. The Section 404 permit review falls under the jurisdiction of USACE's Sacramento District and is administered by its Bountiful (Utah) Field Office. In September 2007, USACE agreed to participate in the development of this Supplemental Draft EIS and the subsequent Final EIS as a cooperating agency. Because parts of the proposed rail line would cross wetlands and other Waters of the U.S., a permit would be required from USACE under Section 404 of the Clean Water Act if authorization is granted by the Board to construct and operate the proposed rail line.

References to OEA in this Supplemental Draft EIS reflect input from both of the cooperating agencies (BLM and USACE).

With this Supplemental Draft EIS, OEA, BLM, and USACE seek to inform Federal, state, and local agencies, elected officials, Federally recognized tribes, affected local communities, and the general public about the expected environmental effects of the Proposed Action and Alternatives. This Supplemental Draft EIS describes the Applicant's current Proposed Action; describes the affected environment; evaluates and compares the environmental effects of the Proposed Action and Alternatives; identifies and evaluates three new modified alternative rail routes (Alternatives B1, B2, and B3) and OEA's re-evaluation of a route dismissed in the Draft EIS (Alternative N1); describes the results of wetland investigation studies performed by the Applicant after issuance of the Draft EIS; identifies additional mitigation to address the potential environmental impacts on the region's resources from the Proposed Action; and updates the progress of the historic resources review process under Section 106 of the NHPA since the Draft EIS was issued.

OEA has issued this Supplemental Draft EIS for a 45-day public review and comment. After the completion of the Supplemental Draft EIS comment period, OEA will address all substantive comments and will begin preparation of the Final EIS. The principal components of the Final EIS will include: (1) responses to comments made during the comment period for both the Draft and Supplemental Draft EISs, (2) recommendations to mitigate any adverse impacts of the project, (3) evidence of compliance with related environmental statutes and regulations, and (4) a description of changes that have been made to the project since the Draft and Supplemental Draft EISs were issued.

The Board will then issue a decision based on both the project's transportation merits and its potential effects on the environment. This decision will be based on the entire project record, which includes the Draft EIS, Supplemental Draft EIS, and Final EIS, along with all public and agency comments received. In this decision, the Board will determine whether to give final approval to the project and, if so, which mitigation measures to impose.

The cooperating agencies that could issue individual decisions concerning the Proposed Action intend to use information in this Supplemental Draft EIS for their decision-making purposes under the statutes they administer. The Applicant would not be able to begin construction of the new rail line unless:

- The Board issues a final decision granting authorization to construct and operate the new rail line, and that decision becomes effective;
- BLM issues a final decision granting authorization to construct and operate the new line on public land, and that decision becomes effective; and
- USACE issues a Section 404 permit.

## ES.3 Historic Properties and Paleontological Resources

As described in the Draft EIS, OEA conducted broad studies (including a pedestrian, or walk-through, survey) and coordinated extensively with the Utah State Historic Preservation Officer (SHPO), BLM, USACE, the Bureau of Indian Affairs, and 11 Federally recognized tribes—the Paiute Indian Tribe of Utah, the Ute Indian Tribe, the Goshute Indian Tribe, the Skull Valley Band of Goshute Indians, the Hopi Tribe, the Southern Ute Tribe of Colorado, the Ute Mountain Ute of Colorado, the White Mesa Ute, the San Juan Southern Paiute of Arizona, the Kaibab Paiute Tribe of Arizona, and the Moapa Band of Paiute Indians of Nevada—in order to invite them to participate as consulting parties and to seek their input regarding potential impacts on historic properties[8] in the project area. OEA made these contacts through a combination of letters and phone calls.

Due to the potential for adverse effects to significant historic properties, the Board, in cooperation with USACE and BLM, is currently developing a Programmatic Agreement (PA)

[8] In a general sense, cultural resources relate to how humans interact with the environment through their culture (that is, the human environment) and can include cultural uses of the natural environment, the built environment, and social institutions. This Supplemental Draft EIS deals specifically with those cultural resources defined as historic properties according to the NHPA. Historic properties include sites, buildings, districts, structures, or objects that are included on or eligible for listing on the National Register of Historic Places (NRHP).

with the Utah SHPO and interested tribes to address impacts to historic properties. Consultation toward a signed and executed PA is being carried out pursuant to Section 106 of the NHPA and its implementing regulations described in 36 CFR 800. Of particular relevance is 36 CFR 800.14(b), which describes the use of PAs as program alternatives to the standard Section 106 process described in 36 CFR 800.3 to 800.7.

Development of a PA for this project is called for because the potential effects of the project on historic sites are regional in scope; because the effects on historic sites have not yet been fully determined for Alternative B3; and because non-Federal parties, such as SCAOG, would be delegated major decision-making responsibilities during the undertaking. See Chapter 3, Environmental Consequences, of this Supplemental Draft EIS for additional information on historic properties and tribal consultation.

## ES.4 Project Context

The project would be located in Juab, Sevier, and Sanpete Counties, which run south to north in central Utah and are generally broad, flat or rolling areas divided by the Sevier River. There are several small towns in these counties and along the proposed project route; these towns include Fayette, Gunnison, Centerfield, Axtel, Redmond, Scipio, and Salina. Most of the valley floor supports farms that rely on an irrigation system composed of an extensive canal and ditch network. The valley is bounded on either side by a mountain range. This topography supports placing the railroad within the valley and generally parallel to the river where possible.

Industries in the area include coal mining, rock salt mining, gypsum production, and bentonite production.

## ES.5 Purpose of and Need for the Proposed Action

As described in the Draft EIS, the purpose of this project is to provide rail access to local industries, primarily the Southern Utah Fuel Company (SUFCO) coal mine owned by Bowie Resources and located about 30 miles northeast of Salina. The mine produces 6 million to 7 million tons of low-sulfur coal annually. About 4 million tons are shipped to power plants in Carbon and Emery Counties east of the mine, about 1 million tons are shipped to the Salt Lake City area, and 1 million to 2 million tons are shipped to the Sharp loading facility near Levan, Utah (personal communication with Malcolm Nash, July 16, 2013).

For many years and until 1983, the former Denver & Rio Grande Western (D&RGW) Railroad and its predecessor companies (now part of the UPRR) provided rail service to the central Utah counties of Sanpete, Sevier, and Piute. As a result of a 1983 landslide and subsequent abandonment of the D&RGW rail line, shippers began trucking their goods to markets or to rail/truck transfer points at Juab, Sharp, or Nephi. These transfer points are located on a UPRR rail line that lies on the western edge of Juab County. The right-of-way of the former D&RGW rail line has been sold to adjoining landowners and primarily converted to farmland. Most bridges and drainage structures have been removed.

Other than Juab's access to the nearby UPRR line, there is no rail service in this part of Utah, and, therefore, local industries in Sanpete and Sevier Counties rely exclusively on trucking for freight transportation. The proposed rail line would allow industries to access rail transporta-

tion for bulk commodities to and from the project area, thereby reducing the amount of heavy truck traffic on state highways and city streets that are not designed for heavy truck loads.

In total, nearly 750 truck trips per day are needed to transport coal from the SUFCO mine. The trucks pass through the cities of Salina, Centerfield, Gunnison, and Levan on their way to the loading facility (at that rate, trucks travel through downtown Salina at a frequency of about one truck every minute). The trucks use local and state highways, and each truck carries about 43 tons of coal.

The Applicant expects that direct rail access to the UPRR line near Juab would ease traffic congestion, improve transportation safety, extend the life of local roads and other state roads, and contribute to a reduction in local air pollution. The Applicant also anticipates that the addition of a rail line would improve businesses' overall competitiveness, thereby preserving employment and tax revenues.

In addition to coal shipments, SCAOG anticipates future business from local industries that currently ship smaller quantities of petroleum products, lumber products, nonmetallic minerals, wallboard, and plaster by truck.

The Applicant states that, although it seeks authorization to construct and operate the proposed rail line and, therefore, would become a common carrier, it does not plan to own or operate this line for profit. The Applicant expects to work jointly with a private entity to construct the line and states that it would possibly assign its responsibility for common-carrier operations to an experienced but not-yet-identified operator.

Under the CEQ regulations implementing NEPA, specifically 40 CFR 1508.9(b), an agency's environmental analysis shall include a brief discussion of the proposed project's purpose and need. OEA notes that the analysis of a project's purpose and need depends on the type of Federal action that is involved in the particular project. Here, the Proposed Action involves an application by a local government agency, SCAOG, for a license or approval. The Proposed Action is not a project that is proposed or sponsored by the Federal government. In cases such as this, courts have held that the project's purpose and need should be defined by the private applicant's goals, in conjunction with the agency's enabling statute. For example, see *Citizens Against Burlington, Inc. v. Busey*, 938 F. 2d 190, 196 (D.C. Cir. 1991); *Alaska Survival v. STB*, 705 F. 3d 1073, 084-85 (9th Cir. 2013); and *Nat'l Parks and Conservation Assoc. v. BLM*, 606 F. 3d 1058, 1070 (9th Cir. 2009).

## ES.6 Scoping and Public Involvement

OEA has undertaken extensive public outreach activities to give interested parties, agencies, Federally recognized tribes, elected officials, and the general public opportunities to comment and actively participate in the environmental review process. These activities are described in the Draft EIS in Chapter 1, Description of the Proposed Action and Purpose and Need, and Chapter 9, Coordination.

# ES.7 Alternatives Considered

## ES.7.1 Alternatives Considered in the Draft EIS

The Draft EIS considers three alternatives in detail: (1) the No-Action Alternative (Alternative A), (2) the Applicant's Proposed Action as of the Draft EIS (Alternative B), and (3) a second action alternative (Alternative C) (see Figure ES-3 below). Each alternative would run from the UPRR mainline within portions of Juab, Sanpete, and Sevier Counties beginning near Juab, about 16 miles south of Nephi, to the industrial area located about 0.5 mile southwest of Salina. The Draft EIS also identifies and discusses the alternatives that were considered and eliminated from detailed analysis.

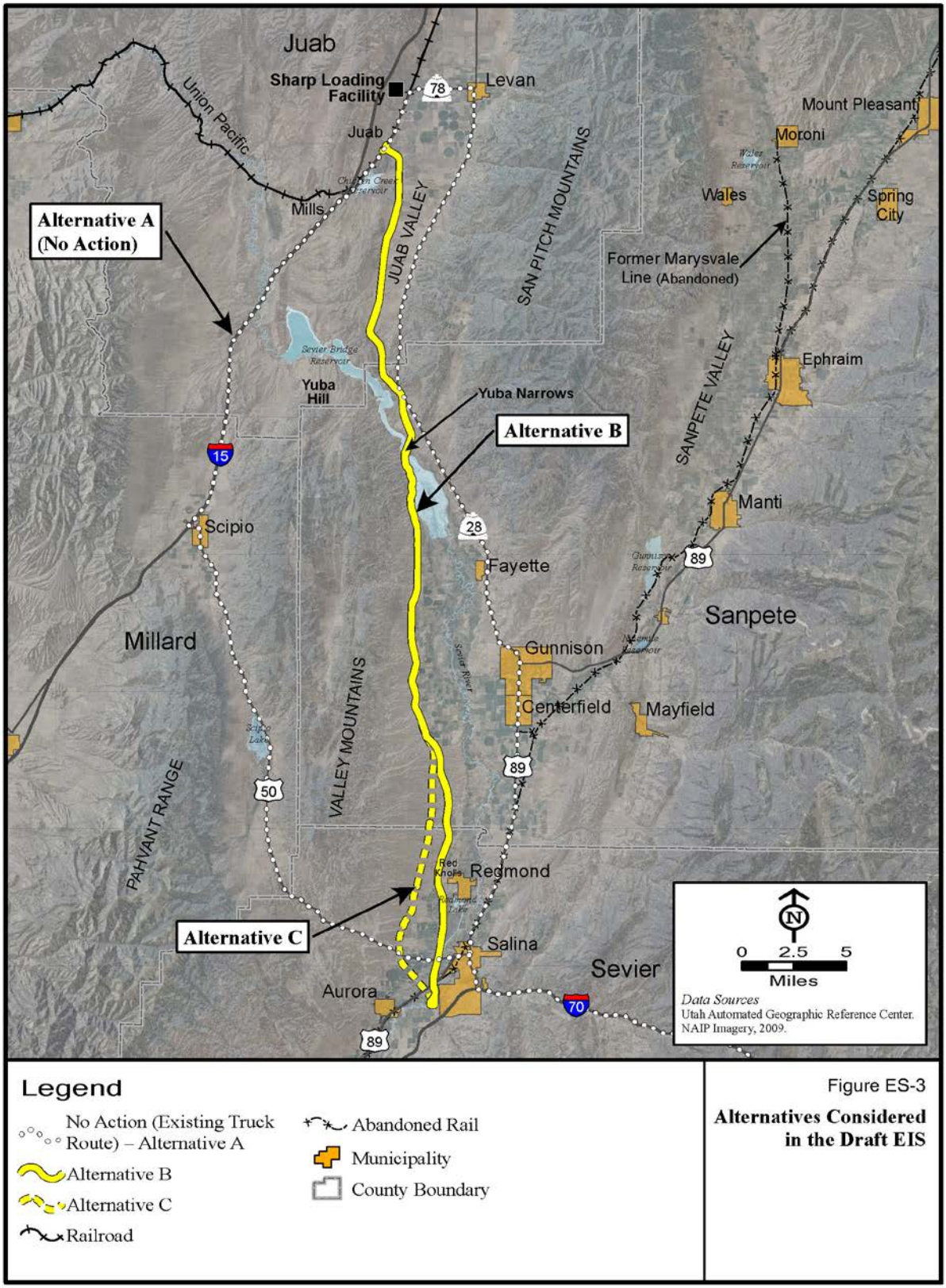
***No-Action Alternative (Alternative A).*** With the No-Action Alternative (Alternative A), no new rail line construction would take place. The No-Action Alternative provides a basis for comparing the other project alternatives. For the No-Action Alternative, no new rail line or terminal facilities would be constructed. No new train operations through Juab, Sevier, or Sanpete Counties would be conducted, and rail operations on the UPRR line would not change. Coal-haul trucks would continue to use highways in the project area to transport coal from the SUFCO mine to the existing UPRR mainline south of Nephi near Juab.

***Alternative B.*** Alternative B would involve constructing about 43 miles of new rail line. Alternative B is generally north-south and passes east of Chicken Creek Reservoir and through the Juab Plain, a valley between mountains to the east and west. Alternative B crosses the Sevier Bridge Reservoir at Yuba Narrows, south of Yuba Lake Recreation Area. This crossing would be adjacent to the point where a high-voltage transmission line currently crosses the reservoir. Alternative B continues southward along and outside of the western edge of a marshy area south of the reservoir. South of the reservoir, it continues along the western edge of the agricultural areas roughly parallel to but east of the existing high-voltage transmission line. It gradually veers to the south-southeast and then south toward the Sanpete County–Sevier County border and eventually to Salina, where the alternative terminates.

***Alternative C.*** This alternative follows the same alignment as Alternative B from the northern terminus to a point about 4.5 miles north of the Sanpete County–Sevier County border. At this point, Alternative C begins to run south on the west side of the Piute Canal, about 0.5 mile to 1.0 mile west of Alternative B but east of the existing high-voltage transmission line. Alternative C continues south essentially parallel to but west of Alternative B and the Piute Canal across the Sanpete County–Sevier County border. Alternative C then rejoins Alternative B about 0.5 mile south of the point where Alternative B crosses U.S. Highway 50 (U.S. 50) about 3 miles west of Salina. Because Alternative C remains west of the Piute Canal, it also remains at a higher elevation on the foothills than Alternative B toward the southern terminus at Salina.

These alternatives are described in Chapters 3, 4, and 5 of the Draft EIS, which are included in Appendix D of this Supplemental Draft EIS.

## Figure ES-3. Alternatives Considered in the Draft EIS



## ES.7.2 Alternatives Considered in the Supplemental Draft EIS

This Supplemental Draft EIS evaluates Alternative B (the Proposed Action in the Draft EIS), evaluates three modified alternative routes (Alternatives B1, B2, and B3) developed by the Applicant after issuance of the Draft EIS, and re-evaluates an alternative dismissed in the Draft EIS (Alternative N1 near the community of Mills, Utah).[9] We have retained the designation of Alternative N1 from the Draft EIS.

As explained in the Draft EIS and later in this document, the north-south route of Alternative B provided the most direct rail connection to the UPRR network from the new coal transfer terminal in Salina and met the project's purpose and need. However, this direct route would result in substantial impacts on wetlands. Thus, after issuance of the Draft EIS and the receipt of EPA's suggestion that OEA examine alternatives to Alternative B to minimize the potential impacts on wetlands, OEA directed the Applicant to design alternatives to Alternative B that would reduce impacts on wetlands and other aquatic resources.

After re-evaluating the area's topography and natural resources and completing a detailed wetland investigation, the Applicant developed Alternatives B1, B2, and B3 by modifying, shifting, and redesigning Alternative B. Because the project area is located in a valley bordered by mountains on the east and west and containing large, contiguous wetlands, the possible locations of the rail line that would meet the project's purpose and need were limited.

Because all of the alternatives considered in both the Draft EIS and this Supplemental Draft EIS converge at a common point near the Juab County–Sanpete County border northeast of Yuba Hill, the project area was divided to allow the creation two groups of corridors now under consideration (north and south), and the alternatives are designed and referred to as northern and southern alternatives (see Figure ES-2 above).

As discussed in this Supplemental Draft EIS in Chapter 2, Proposed Action and Alternatives, combining an alternative on the north and an alternative on the south created an alignment that would avoid the greatest number of wetlands in the study area.

## ES.7.3 Northern Alternatives

As stated in Section ES.1, Introduction, of this chapter, EPA suggested that OEA examine alternatives to Alternative B (the Proposed Action in the Draft EIS) on the north that would further avoid the wetlands and springs in the Chicken Creek Reservoir area (personal communication with Larry Svoboda, October 18, 2007). USACE also suggested further evaluation of an alternative (Alternative N1) that was studied but dismissed in the Draft EIS. USACE suggested that the connection near Mills might impact fewer wetlands than would a connection at Juab.

In response, OEA directed the Applicant to conduct a more detailed wetland investigation in the area around the Proposed Action and to reanalyze the various rail alternatives. The Applicant examined four alternatives on the north (Alternatives B, B3, N1a, and N1b).

Explained below are the wetland and other impacts associated with the construction and operation of the various northern alternatives studied in this Supplemental Draft EIS.

[9] Mills, Utah, is located about 5 miles west of Juab.

#### ES.7.3.1 Alternative B

Alternative B on the north was evaluated in the Draft EIS. Alternative B on the north continues to be the Applicant's Proposed Action. Alternative B would involve construction of about 11.1 miles of new rail line. Alternative B is generally north-south and passes east of Chicken Creek Reservoir and through the Juab Plain, a valley between mountains to the east and west. Alternative B crosses the Sevier Bridge Reservoir at Yuba Narrows, south of Yuba Lake Recreation Area. Alternative B would permanently disturb about 77 acres of pasture and cropland and would fill 1.2 acres of playa wetlands and 0.3 acre of wet meadow wetlands in the northern portion of the study area.

#### ES.7.3.2 Alternative B3

The Applicant developed Alternative B3 to try to avoid, to the extent possible, wetland impacts near Chicken Creek Reservoir at the north end of the project area and minimize, to the extent possible, impacts to irrigated cropland. This alternative connects to the UPRR mainline with a wye connection (a Y-shaped intersection) about 1 mile north of the Juab siding, near the Sharp siding. The alternative continues southeast and merges with the Alternative B alignment northeast of Yuba Hill. Alternative B3 would be about 13 miles long and would permanently disturb about 115 acres of pasture and cropland during construction, about half of which would be permanently converted to rail right-of-way.

During the initial comment period on the Draft EIS, farmers expressed concerns regarding impacts on irrigation, the bisecting of farms, access to fields, the potential reduction in the value of the farms crossed, and the fact that most agricultural irrigation is flood irrigation. Mindful of farmers' concerns regarding impacts to irrigable farmland and access to cropland, the Applicant designed Alternative B3 to minimize or avoid the impacts to farms and to have minimal impact on wetlands. The alternative would require one additional local road crossing at Powell Road. This alternative would fill about 0.5 acre of wet meadow wetlands near the connection with UPRR's mainline.

#### ES.7.3.3 Alternatives N1a and N1b

USACE suggested that the Board re-evaluate the alternative at Mills studied in the Draft EIS (Alternative N1) for its potential to minimize wetland impacts. Mills is located at the north end of the study area but west of Interstate 15 (I-15). In this Supplemental Draft EIS, Alternative N1 is presented as two different options: Alternative N1a and Alternative N1b.

Alternative N1a connects with the UPRR mainline near the intersection of Washboard/Valley Road and Mills Road. Of the four alternatives considered at the northern end of the study area in this Supplemental Draft EIS (Alternatives B, B3, N1a, and N1b), Alternative N1a has the shortest length. However, this alternative would require 10,000 feet of new siding to meet current rail industry safety standards because there is no existing siding. The new siding would also require new turnouts[10] and control signals to link the siding with the UPRR network.

Alternative N1b connects with the UPRR mainline about 1 mile west of Washboard Road. It is slightly longer than Alternative N1a.

[10] A rail turnout is a mechanical installation that enables trains to be guided from one track to another, such as at a railway junction or where a spur or siding branches off.

Both alternatives would require extensive excavation (about 300,000 cubic yards) to construct the rail line because a high ridge separates the Mills area from I-15. Moreover, because of design maximum grade constraints (1 percent maximum grade), deep cuts and imported fill would be necessary to construct these alternatives. At the ridge peak, the cut depth would be over 50 feet. Near the southwestern corner of Chicken Creek Reservoir, the UPRR track crosses under I-15 and continues westward toward Lynndyl, Utah. Consequently, new track from Alternative N1a or N1b would have to cross over I-15 via a new grade-separated crossing that would be about 30 feet higher than the I-15 grade.

Field reconnaissance of the Mills area found potential wetlands and other Waters of the U.S. that would be affected by Alternatives N1a and N1b. The required new siding for both alternatives would affect Chicken Creek and an adjacent wetland area (about 0.5 acre) located along the creek where it runs on the south side of the existing UPRR tracks. In addition, the Alternative N1b alignment and the required new siding might affect potential wetland areas in the Mills Meadow wetland complex.

Near the northern terminus, Alternatives N1a and N1b would also affect other unnamed intermittent and ephemeral drainages as well as irrigation ditches that divert water from Chicken Creek Reservoir and Chicken Creek. The connection of these waters to the Mills Meadow wetland complex and the Sevier River, which would make these waterways jurisdictional, has not been determined by USACE. Therefore, OEA concludes that the wetland impacts associated with Alternatives N1a and N1b would be similar (about 0.5 acre) to those from Alternative B3.

The Utah Division of Wildlife Resources discovered the least chub (*Iotichthys phlegothontis*) in the Mills Meadow wetland complex in 1996 (UDWR 2007). The least chub is a fish classified as a sensitive species by the State of Utah and is a candidate species for listing under the Endangered Species Act by USFWS. Contrary to previous speculation by the Division, populations have not been identified in the Chicken Creek Reservoir or the Sevier Bridge Reservoir (UDWR 2013). Therefore, compared to Alternatives B and B3, Alternatives N1a and N1b have a higher potential to affect this sensitive species.

The impacts of a connection at Mills include:

- Slight reduction in highway traffic safety caused by a new rail bridge.
- Impact to about 0.5 acre of wetlands adjacent to an existing track.
- Extensive excavation to meet design rail grade limitations.
- Increased project costs for constructing a new siding and a new rail bridge over I-15.
- Increased operating costs for maintaining a bridge over I-15.
- Increased impacts to wildlife resources caused by new construction of rail line in the Mills Valley and the associated new siding. Specifically, there would be potential direct impacts to least chub habitat, a potential to change the hydrologic conditions of the Mills Meadow wetland complex due to the impacts to Mills-area waterways (potential Waters of the U.S.), and a potential to conflict with planned conservation measures for the least chub in the Mills Valley.

Given these construction and operational concerns and the expected environmental impacts, the alternatives at Mills (Alternatives N1a and N1b) were eliminated from further detailed consideration in the Draft EIS. Additional information about Alternative N1 is provided in Appendix B, Corridor and Alternative Identification, of this Supplemental Draft EIS. Because of these issues, this Supplemental Draft EIS also eliminates these alternatives as not reasonable and practicable for this project. Mindful of USACE's concerns regarding wetland impacts, OEA notes that the alternate northern alignment Alternative B3 would affect the same amount of wetlands (0.5 acre) as Alternatives N1a and N1b, but Alternative B3 would have fewer impacts on other natural resources and safety.

## ES.7.4 Southern Alternatives

For the southern portion of the study area, OEA also directed the Applicant to develop an alternative that reduced impacts on wetlands. Alternative B from the Draft EIS on the south was not carried forward because it would have the greatest impact on wetlands (10.8 acres in the southern portion). The two new southern alternatives (Alternatives B1 and B2), developed by modifying and redesigning Alternative B, were carried forward for review in this Supplemental Draft EIS.

### *ES.7.4.1 Alternatives B1 and B2*

For Alternatives B1 and B2, the proposed alignment was moved farther to the west, and additional curvature was designed into the alignments to avoid high-value wetlands along the Sevier River. Alternatives B1 and B2 follow a similar route with minor differences to reduce wetland impacts. Alternative B1 would fill 5.2 acres of wetlands, and Alternative B2 would fill 1.6 acres. Alternative B1 was eventually dismissed because it closely follows the route of Alternative B2 but would have greater wetland impacts. Impacts to pasture and cropland would be about the same, about 50 acres, for the two southern alternatives.

Alternative B2 has been retained for detailed evaluation in this Supplemental Draft EIS as part of the Applicant's current Proposed Action and the Environmentally Preferred Alternative, as described in Section ES.7.6, Alternatives Analyzed in Detail in This Supplemental Draft EIS, of this chapter. Alternative B2 is not without impacts on wetlands and other natural resources. However, alternatives that would meet the project's purpose and need and avoid or minimally impact wetlands and other natural resources is limited by the area's geography and engineering design elements for construction of a safe and viable rail line.

## ES.7.5 No-Action Alternative (Alternative A)

CEQ's regulations implementing NEPA [40 CFR 1502.14(d)] require consideration of a No-Action Alternative. The No-Action Alternative provides a basis for comparing the other project alternatives.

With the No-Action Alternative for this project, no new rail line or terminal facilities would be constructed. No new train operations through Juab, Sevier, or Sanpete Counties would be conducted, and rail operations on the UPRR line would not change. Coal-haul trucks would continue to use highways in the project area to transport coal from the SUFCO mine to the existing UPRR mainline south of Nephi near Juab. The No-Action Alternative would avoid the potential environmental impacts of the action alternatives but would not meet the purpose

of and need for the project and would not provide the potential benefits of the rail line versus truck transportation for the coal shipments at issue in this case.

## ES.7.6 Alternatives Analyzed in Detail in This Supplemental Draft EIS

### *ES.7.6.1 Applicant's Proposed Action in This Supplemental Draft EIS – Alternative B/B2 (Combination of Alternative B on the North and Alternative B2 on the South)*

The Applicant's current Proposed Action (Alternative B/B2, the combination of Alternative B on the north and Alternative B2 on the south; see Figure ES-2 above) would still connect to the UPRR mainline at the Juab siding[11] on the north and continue southward past the Yuba Lake Recreation Area to cross the Sevier Bridge Reservoir at Yuba Narrows, where the reservoir narrows. This crossing would be adjacent to a high-voltage transmission line in an area known as the Juab Plain. The Juba Plain consists of the valley between two foothills and mountainous areas on the east and west.

After crossing the reservoir at Yuba Narrows, Alternative B/B2 continues southward on the west side of the Sevier River Valley where the foothills intersect with irrigated farmlands. It crosses U.S. 50, U.S. Highway 89 (U.S. 89), and the Sevier River southwest of Salina, where it terminates at a proposed new loading facility north of Interstate 70 (I-70) near Salina's industrial park. The crossing of U.S. 89 would be via a new, grade-separated structure.

For this Supplemental Draft EIS, the southern portion of the Applicant's proposed route was modified to avoid impacts on wetlands adjacent to the Sevier River south of the U.S. 50 crossing west of Salina. The Applicant shifted the original alignment proposed in the Draft EIS about 300 feet west and, in so doing, was able to reduce the impacts on wetlands from about 10.8 acres to 1.6 acres. This shift is referred to as Alternative B2.

Alternative B/B2 would fill 3.1 acres of wetlands, consisting of about 1.6 acres on the southern end and about 1.5 acres on the northern end near the connection with the UPRR mainline. It would also convert 66 acres of irrigated cropland and 126 acres of non-irrigated and sub-irrigated cropland to rail right-of-way. Of this farmland, 37 acres are prime farmland and 11 acres are farmland of statewide importance.

Additional information on project-related construction and operation activities for this alternative can be found in Section 2.2.2.1, Proposed Action Construction, of Chapter 2, Proposed Action and Alternatives, in the Draft EIS (which discusses Alternative B) and in Chapter 3, Environmental Consequences, of this Supplemental Draft EIS (which discusses both Alternatives B and B2).

[11] The Applicant states in a letter of March 6, 2008, that the northern terminus was designed to avoid wetlands to the greatest extent possible and to skirt the edges of important private farmland.

### ES.7.6.2 Alternative B3/B2 (Combination of Alternative B3 on the North and Alternative B2 on the South)

In response to EPA's and USACE's concerns about wetland impacts, OEA considered additional alternatives that would reduce impacts on wetlands and other aquatic resources without substantially diminishing the constructability of the proposed rail line.

Alternative B3/B2 is a combination of Alternative B3 on the north and Alternative B2 on the south. This alternative's northern terminus would be a connection with both the existing Juab siding and the nearby Sharp siding on the UPRR mainline. This connection would require both the UPRR Sharp and Juab sidings to be extended for the purpose of maintaining operations safety.

The proposed rail line starts at a new connection on the UPRR mainline between the Juab and Sharp sidings, then proceeds in a south-southeasterly direction. The alignment then continues southward past the Yuba Lake Recreation Area to cross the Sevier Bridge Reservoir at Yuba Narrows, where the reservoir narrows. This crossing would be adjacent to a high-voltage transmission line that also crosses the reservoir at Yuba Narrows.

After crossing the reservoir, Alternative B3/B2 continues southward on the west side of the Sevier River Valley. It crosses U.S. 50, U.S. 89, and the Sevier River southwest of Salina, where it terminates at a proposed new loading facility north of I-70 near Salina's industrial park. The crossing of U.S. 89 would be via a new, grade-separated structure. The southern-most portion of Alternative B3/B2 follows the proposed Alternative B2 alignment to reduce wetland impacts.

Alternative B3/B2 would fill 2.1 acres of wetlands, consisting of about 1.6 acres on the southern end and about 0.5 acre on the northern end near the connection with the UPRR mainline. It would also convert 66 acres of irrigated farmland and 165 acres of non-irrigated and sub-irrigated cropland to rail right-of-way. Of this farmland, 37 acres are prime farmland and 11 acres are farmland of statewide importance.

Additional information on project-related construction and operational activities related to these alternatives is provided in Chapter 3, Environmental Consequences, of this Supplemental Draft EIS.

### ES.7.6.3 Environmentally Preferred Alternative

OEA preliminarily concludes that Alternative B3/B2 (the combination of Alternative B3 on the north and Alternative B2 on the south) would be environmentally preferable to Alternative B/B2. Table ES-1 below compares the alternatives for each resource area assessed.

Only two action alternatives that would meet the purpose of and need for this project while minimizing potential impacts on wetlands and other natural resources have been identified. Of the two action alternatives analyzed in detail, Alternative B/B2 would cause greater environmental impacts on wetlands and other natural resources. Alternative B3/B2 would be longer with greater impacts on non-irrigated farmland but fewer impacts on wetlands and other natural resources. The No-Action Alternative (no construction) would avoid all of these environmental impacts, but it would not meet the Applicant's purpose and need, nor would it provide the benefits of moving the coal at issue here by rail instead of by truck.

## ES.8 Summary of the Environmental Impacts of the Alternatives

This Supplemental Draft EIS analyzes and compares the potential impacts of the Applicant's current Proposed Action (Alternative B/B2) and Alternative B3/B2 on the environment. The summary of OEA's evaluation in Table ES-1 is the result of expanded and new analyses of impacts conducted for this Supplemental Draft EIS that include, among others, the impacts to wetlands, historic properties, safety, noise, and air quality. OEA also re-examined and expanded the evaluation of project alternatives in the Draft EIS, including the evaluation of alternatives involving the Mills connection (Alternatives N1a and N1b). For detailed information about the environmental impacts of the alternatives, see Chapter 3, Environmental Consequences, of this Supplemental Draft EIS.

As shown below and in Chapter 3, most of the impacts of the two alternatives would be the same. The impacts that would differ are indicated in bold in Table ES-1 and are the focus of this Supplemental Draft EIS. This Supplemental Draft EIS also relies, where appropriate, on the analysis in the Draft EIS.

**Table ES-1. Comparison of Impacts from the Alternatives Presented in This Supplemental Draft EIS**

| Resource Category | Applicant's Proposed Action – Juab to Salina (Combination of Alternatives B and B2) | Juab/Sharp to Salina (Combination of Alternatives B3 and B2) |
|---|---|---|
| Rail Operations and Safety | • Negligible impact to road crossings due to delays<br>• Reduced truck traffic on State Route (SR) 78, SR 28, U.S. 50, and U.S. 89, resulting in improved safety | • Negligible impact to road crossings due to delays<br>• Reduced truck traffic on SR 78, SR 28, U.S. 50, and U.S. 89, resulting in improved safety<br>• **Requires extending Juab siding 2.39 miles to connect to Sharp siding on the UPRR mainline** |
| Land Use | • **Loss of 66 acres of irrigated farmland and 126 acres of non-irrigated and sub-irrigated cropland**<br>• Compatible with state and BLM land-use plans and policies | • **Loss of 66 acres of irrigated farmland and 165 acres of non-irrigated and sub-irrigated cropland**<br>• Compatible with state and BLM land-use plans and policies |
| BLM Natural Areas | • No impacts to BLM Natural Areas in the region | • Same as Proposed Action |
| Biological Resources | • Loss of about 10.9 acres of habitat in Yuba State Park<br>• Loss of 3.9 acres of habitat in Redmond Wildlife Management Area (WMA)<br>• Potential short-term impacts to long-billed curlew habitat in Redmond WMA<br>• Temporary impacts to wildlife during construction | • Loss of about 10.9 acres of habitat in Yuba State Park<br>• Loss of 3.9 acres of habitat in Redmond WMA<br>• Potential short-term impacts to long-billed curlew habitat in Redmond WMA<br>• Temporary impacts to wildlife during construction |

| Table ES-1. Comparison of Impacts from the Alternatives Presented in This Supplemental Draft EIS | | |
|---|---|---|
| **Resource Category** | **Applicant's Proposed Action – Juab to Salina (Combination of Alternatives B and B2)** | **Juab/Sharp to Salina (Combination of Alternatives B3 and B2)** |
| Water Resources | • Would affect 16 acres of regulatory floodplain<br>• Would affect 174 acres of groundwater recharge area<br>• **Would fill 3.1 acres of jurisdictional wetlands** | • Would affect 16 acres of regulatory floodplain<br>• Would affect 174 acres of groundwater recharge area<br>• **Would fill 2.1 acres of jurisdictional wetlands** |
| Topography, Geology, and Soils | • Would not affect geological conditions<br>• Topography modifications would be minor<br>• Would require about 1.4 million yards of material to construct rail embankment<br>• Loss of 37 acres of prime farmland<br>• Loss of 11 acres of farmland of state importance | • Same as Proposed Action |
| Energy Resources | • Decrease energy use from 2,832 million British thermal units (Btu)/day for truck shipping to 1,301 million Btu/day for truck and rail shipping | • Same as Proposed Action |
| Socioeconomics | • Loss of about 108 jobs in trucking industry, which could be offset by new jobs from rail line<br>• Small increase in population of Sanpete and Sevier Counties due to increased economic development<br>• Small increase in sales tax base<br>• Negligible effects on agricultural industry and emergency response times<br>• No impacts would be disproportionately borne by minority or low-income populations | • Same as Proposed Action |
| Historic Properties | • Adverse effect on 33 historic properties eligible for the National Register of Historic Places (NRHP) | • Same as Proposed Action |
| Recreation | • Would convert about 0.02% of BLM-administered land to rail right-of-way<br>• Would affect short-term use of lake at Yuba Narrows during bridge construction<br>• Would affect long-term use of about 10.9 acres of Yuba Lake Recreation Area due to withdrawal of land for rail right-of-way<br>• Would have negligible impact on trail use | • Same as Proposed Action |
| Aesthetics | • Temporary impacts during construction<br>• Moderate long-term impacts due to cut-and-fill slopes, loss of agricultural land, elevated rail structures, and drainage features | • Same as Proposed Action |

| Table ES-1. Comparison of Impacts from the Alternatives Presented in This Supplemental Draft EIS | | |
|---|---|---|
| **Resource Category** | **Applicant's Proposed Action – Juab to Salina (Combination of Alternatives B and B2)** | **Juab/Sharp to Salina (Combination of Alternatives B3 and B2)** |
| Noise and Vibration | • Would remove up to about 750 trucks per day from local streets and highways; this would reduce noise and vibration impacts along truck routes<br>• Increased noise impacts from train horns. One residence would be within the 65-dBA threshold noise contour (the area around the proposed rail line where wayside noise would be 65 dBA or greater on the A-weighted decibel scale) from the horn soundings required at road crossings<br>• No impacts from wayside noise within the 65-dBA contour | • Same as Proposed Action |
| Air Quality | • Would remove 750 trucks per day from local streets and highways; this would improve air quality along the truck route | • Same as Proposed Action |
| Climate Change and Greenhouse Gases | • Would remove 750 trucks per day from local streets and highways, thus reducing the particulate air emissions and greenhouse gases produced by these truck trips by similar amounts<br>• Reduction in particulate air emissions and greenhouse gases would be offset slightly by emissions from locomotives<br>• Overall net result suggests that greenhouse gas emissions associated with this shift from truck to rail would be reduced by up to half, thereby producing a regional benefit, but global effects would be neutral | • Same as Proposed Action |
| Threatened and Endangered Species | • No impacts on species listed as endangered or threatened under the Endangered Species Act or State-listed species | • Same as Proposed Action |
| Hazardous Materials | • Hazardous materials would be stored at rail operations facilities and would be regulated by the State of Utah<br>• Would not affect any hazardous materials sites | • Same as Proposed Action |

# ES.9 Cumulative Impacts

On September 8, 2011, Sevier Power Company (SPC) submitted a Notice of Intent to construct and operate a 580-megawatt, combined-cycle, natural gas–fired power plant near Sigurd, Utah, which is about 10 miles southwest of Salina. This area is an attainment area for all air quality criteria pollutants. The plant would consist of two natural gas–fired combustion turbines. This plant would be a new major source of air pollutant emissions, so an air quality impact analysis of the proposed plant's impact on Federal air quality standards and air quality–related values was required. SPC prepared this impact analysis, which was then reviewed by the Utah Division of Air Quality. On October 25, 2012, the Division approved the air quality permit for the plant.

SPC is currently working with BLM to obtain a permit for a gas pipeline that will come from the Scipio, Utah, area to the northwest to supply natural gas for the plant. SPC has not yet applied for any construction permits, and construction is not expected for at least 2 years. If constructed, the plant would permanently employ 20 to 30 people from surrounding communities. During construction, several hundred workers would be employed.

This proposed plant could have potential cumulative impacts with the Proposed Action in two resource categories. First, potential air quality impacts could occur during construction from a combination of fugitive-dust emissions caused by grading activities for each project. Second, concurrent construction could cause a shortage of available local construction workers.

The Proposed Action would also employ several hundred workers during construction, most of whom would be engaged in site clearing and grading activities and many of whom would also come from surrounding communities. As stated in Section 3.8, Other Resource Areas, of this Supplemental Draft EIS, some fugitive dust is expected during construction.

Construction of the rail project is expected to start within a few months of approval from OEA and the award of permits from BLM and USACE. Because the construction of the power plant is several years away, construction of the two facilities is not expected to overlap and therefore would not result in any cumulative impacts.

# ES.10 OEA's Preliminary Recommended Mitigation

Chapter 4, Mitigation, of this Supplemental Draft EIS lists the mitigation measures that would avoid or minimize environmental impacts resulting from the Proposed Action.

## ES.10.1 Overview of OEA's Approach

The analysis used in preparing this Supplemental Draft EIS has taken a hard look at the likely environmental consequences of the Proposed Action and No-Action Alternative consistent with NEPA and the relevant CEQ and Board regulations. The potential environmental effects that have been identified would be both beneficial and adverse. Chapter 3, Environmental Consequences, of this Supplemental Draft EIS discusses in detail the affected environment and potential environmental benefits and effects. The Applicant submitted a number of voluntary mitigation measures to address potential effects that would result from the Proposed Action. The Draft EIS and this Supplemental Draft EIS include the Applicant's proposed mitigation with changes and propose additional environmental mitigation developed by OEA.

OEA seeks public comments on all the mitigation proposed in the Draft EIS and this Supplemental Draft EIS.

The Final EIS will contain OEA's final recommendations for mitigation to the Board after considering all comments on the Draft EIS and Supplemental Draft EIS. The Board will then make a Final Decision regarding this project. That decision will address the transportation merits and consideration of environmental issues. If the project is authorized, the Board's decision will include all environmental conditions it decides to impose.

### ES.10.2 Limits of the Board's Conditioning Power

The Board has authority to impose conditions to mitigate potential environmental impacts, but that authority is not limitless. As a government agency, the Board can impose only conditions that are consistent with its statutory authority. Any conditions the Board imposes must relate directly to a specific Proposed Action, must be appropriate to the scope and degree of impacts, and must be supported by the record before the Board. The Board's practice consistently has been to consider mitigation for only those impacts that result directly from a Proposed Action and not to impose mitigation to remedy pre-existing conditions.

### ES.10.3 Voluntary Mitigation and Negotiated Agreements

OEA encourages Applicants to propose voluntary mitigation measures. Because Applicants seeking Board authority can gain substantial knowledge about local community issues or other issues involved during project planning, and because they consult with other regulatory agencies and communities during project planning and at the early stages of the regulatory process, Applicants can often propose relevant voluntary mitigation that is more far-reaching than mitigation the Board could unilaterally impose.

For this project, the Applicant has engaged in substantial outreach with potentially affected agencies, entities, and communities and has proposed extensive voluntary mitigation for this project, which is set forth and discussed in more detail below.

The Board also encourages Applicants to negotiate mutually acceptable agreements with affected communities and other government entities to address potential environmental impacts, if appropriate. Negotiated agreements can be with neighborhoods, communities, or other entities.

If the Applicant enters into any negotiated agreements, the Board would require compliance with the terms of any such agreements as environmental mitigation conditions in any final decision approving the Proposed Action. These negotiated agreements would supersede any environmental conditions for that particular community or other entity that the Board would otherwise impose.

### ES.10.4 Preliminary Nature of Environmental Mitigation

OEA emphasizes that all of the environmental mitigation measures proposed here are preliminary and welcomes public and agency comments on these measures. In order for OEA to assess the public comments effectively, the public should be specific about any desired mitigation and the reasons why the suggested mitigation would be appropriate.

After considering all public comments on the Draft EIS and Supplemental Draft EIS, OEA will issue a Final EIS responding to all comments on the Draft EIS and Supplemental Draft EIS (including any suggestions related to mitigation) and presenting any additional environmental analysis. The Final EIS will contain OEA's final recommendations to the Board, including final recommended environmental mitigation. The Board will then make its Final Decision regarding the Proposed Action in accordance with 49 USC 11324(c) and (d).

### ES.10.5 Role of Cooperating Agencies in Developing Proposed Environmental Mitigation Measures

In addition to assisting in OEA's environmental analysis, BLM and USACE as cooperating agencies participated in developing preliminary recommended mitigation.

In particular, BLM developed mitigation measures to protect BLM-administered public land and resources in the project area. The associated BLM right-of-way grant UTU-80737 would be issued subject to regulations under 43 CFR 2800 and mitigating stipulations that either are required by policy, law, or regulation or are needed to ensure mitigation of associated surface disturbance activities.

In addition to the mitigation stipulated in the Draft EIS and this Supplemental Draft EIS, BLM may impose stipulations on its right-of-way grant, stipulations that may include but are not limited to requirements for restoration, revegetation, and curtailment of erosion of the surface of the land, or any other rehabilitation measures determined necessary regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination. BLM may also impose requirements designed to control or prevent damage to scenic, aesthetic, cultural, and environmental values including damage to fish and wildlife habitat, damage to Federal property, and hazards to public health and safety. According to BLM regulations, the Applicant would be required to secure all relevant permits for use of Federal public lands prior to beginning construction activities.

As a cooperating agency, USACE may issue individual decisions regarding the proposed project and intends to use this Supplemental Draft EIS for decision-making purposes. USACE could require additional mitigation measures in its Section 404 permit for the proposed project.

## ES.11 Applicant's Voluntary Mitigation Measures

The Applicant has submitted voluntary mitigation (VM) measures to OEA for the Board to consider when making its decision about this Proposed Action. OEA has reviewed the voluntary mitigation measures again, and recommends that, if the proposed rail line is approved, the Board require the Applicant to comply with these voluntary mitigation measures.

Some of the Applicant's voluntary mitigation measures included in the Draft EIS have been edited by the Applicant in this Supplemental Draft EIS to ensure clarity. In addition, the Applicant has added five new mitigation measures in consideration of the resource concerns raised by agencies and individuals in written comments on the Draft EIS. Table ES-2 below summarizes the mitigation measures that are new in this Supplemental Draft EIS.

| Table ES-2. Additional Voluntary Mitigation Proposed by the Applicant | |
|---|---|
| **Measure No.** | **Description** |
| VM 25 | The Applicant shall consult and coordinate with BLM and UDNR to ensure that the construction and operation of the selected alternative do not impair the Redmond WMA or reduce UDNR's ability to achieve the habitat goals and objectives stated in the Management Plan for the Redmond WMA (dated December 30, 2008). |
| VM 38 | The Applicant shall obtain any Federal permits required by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act from USACE before initiating project-related construction activities in wetlands and water bodies. The Applicant also agrees to obtain necessary state permits and authorizations. The Applicant shall incorporate stipulations of these permits and authorizations into construction contract specifications. |
| VM 39 | The Applicant shall work directly with USACE to develop appropriate mitigation for direct wetland impacts as stipulated in the Section 404 permit. |
| VM 40 | The Applicant shall, per the requirements of 33 CFR 325, avoid and minimize impacts to wetlands to the extent practicable during the preliminary and final design of the selected alternative. After all steps have been taken to avoid and minimize impacts to wetlands, the Applicant agrees to prepare compensatory mitigation for any remaining wetland impacts that cannot be avoided. Compensatory mitigation would be developed through any one or a combination of the following four methods: restoring a previously existing wetland or other aquatic site, enhancing an existing aquatic site's functions, establishing (that is, creating) a new aquatic site, and/or preserving an existing aquatic site. |
| VM 41 | The Applicant shall, as appropriate, develop design measures to reduce the project's footprint at key locations where wetland impacts could be reduced. |

### ES.11.1 Voluntary Mitigation Measures for Rail Operations and Safety

VM 1. The Applicant shall consult with appropriate Federal, state, and local transportation agencies to determine the final design and other details of the grade-crossing warning devices and the grade separations on public roads. Implementation of all grade-crossing warning devices on public roadways will be subject to the review and approval of reasonable warning devices by the Utah Department of Transportation (UDOT) and by Juab, Sanpete, and Sevier Counties (see Table ES-3).

| Table ES-3. Applicant's Proposed Highway/Rail Grade-Crossing Mitigation | |
|---|---|
| **Roadway** | **Type of Crossing Warning Device** |
| U.S. 89/SR 24 | Grade-separated crossing (no device required) |
| U.S. 50 west of Salina | Automatic crossing gates |
| SR 78 west of Levan | Flashing lights |
| Other rural paved roads | Signs |
| Other rural unpaved roads | Signs |

VM 2. The Applicant shall consult with private landowners to determine the final details of reasonable warning signs on grade crossings on private roads.

VM 3. The Applicant shall confine all project-related construction traffic to a temporary access road within the right-of-way or established public roads. Where traffic cannot be confined to temporary access roads or established public roads, the Applicant shall make necessary arrangements with landowners to gain access from private roads.

VM 4. The Applicant shall ensure that proposed activities within and along existing roads are consistent with the Manual of Uniform Traffic-Control Devices for installation of signs (regulatory, warning/caution, speed, and so on), delineators, and other roadway appurtenances and in compliance with the terms and conditions of any BLM right-of-way grant and American Association of State Highway and Transportation Officials safety standards.

VM 5. The Applicant shall ensure that temporary access roads are used only during project-related construction. After construction is completed, the Applicant shall remove and restore any temporary access roads constructed outside the rail line right-of-way unless otherwise agreed to with the landowners.

## ES.11.2 Voluntary Mitigation Measures for Land Use

### *ES.11.2.1 General Land Use*

VM 6. The Applicant shall ensure that land areas that are directly disturbed by the Applicant's project-related construction are restored to their original condition, as may be reasonably practicable, after project-related construction is completed.

VM 7. The Applicant shall erect temporary construction fencing, where appropriate, before project-related construction begins. The Applicant shall inspect temporary construction fencing regularly and promptly repair any damage.

VM 8. The Applicant shall install permanent fencing, where appropriate. The Applicant shall consult with BLM, the Utah Department of Natural Resources (UDNR), other local agencies, and affected landowners to determine appropriate fencing locations and designs. The Applicant shall inspect all fencing regularly and shall promptly repair any damage.

VM 9. The Applicant shall provide access to Federal public land and ensure that access roads to public lands are not permanently blocked or closed.

VM 10. The Applicant shall ensure that recreational routes crossed by the selected alternative are signed for safety.

VM 11. The Applicant shall require constructors to remove all trash and debris generated as a result of the project from public land and dispose of it at an authorized facility in accordance with all applicable Federal, state, and local regulations.

### *ES.11.2.2 Grants and Leases*

VM 12. The Applicant shall obtain a lease with the Utah School and Institutional Trust Lands Administration for construction of the rail line to cross land owned by the State of Utah. The Applicant shall comply with any conditions required under this lease, in addition to those imposed by the Board, for activities on state land.

VM 13. The Applicant shall obtain a right-of-way grant from BLM granting an easement for the rail line to cross land administered by BLM before any project-related construction activities begin on BLM-administered land. The Applicant shall follow any conditions required under this easement, in addition to those imposed by the Board, for activities on BLM-administered land.

#### *ES.11.2.3 Agriculture*

No mitigation measures are proposed for impacts to agricultural resources.

#### *ES.11.2.4 Grazing Allotments*

VM 14. The Applicant shall put in place temporary fences during construction to allow continued grazing, if practicable.

VM 15. Once construction is completed, the Applicant shall replace all permanent fences removed during construction.

VM 16. Once construction is completed, the Applicant shall retain or replace cattle guards, gates, and drainage crossings used as livestock passageways as needed.

VM 17. The Applicant shall evaluate whether existing gates on existing side roads that are used to access grazing allotments need to be upgraded with properly sized cattle guards to accommodate increased present and future traffic. Where deer fencing is installed, cattle access needs will be considered in the fence design.

VM 18. The Applicant shall maintain livestock access to water sources, vehicle and livestock access to the allotments, safety fencing, and signage for grazing allotment entrances and exits to enable livestock operations on BLM grazing allotments to continue.

VM 19. The Applicant shall make reasonable efforts to identify all utilities and valid prior existing rights-of-way (including rangeland allotment developments) located within and adjacent to the rail line right-of-way or that cross the rail line right-of-way.

VM 20. The Applicant shall, before project-related construction begins, notify the owner of each identified utility and coordinate with the owner to avoid or minimize damage to utilities.

VM 21. The Applicant shall consult with utility owners to design the rail line so that the utilities are protected during project-related construction and subsequent maintenance and operation of the rail line.

VM 22. The Applicant shall promote the safety of construction workers and avoid interruption of electricity transmission and shall ensure that the regulations of the Occupational Safety and Health Administration and the Utah Overhead Line Safety Act are followed.

VM 23. The Applicant shall coordinate with PacifiCorp and Rocky Mountain Power before beginning construction activities to ensure that all appropriate regulations are followed, especially when operating large equipment such as cranes near a transmission line right-of-way.

### ES.11.3 Voluntary Mitigation Measures for Biological Resources

VM 24. The Applicant shall work with the State of Utah prior to construction if any land needs to be taken at the Yuba Lake Recreation Area and the Redmond WMA for construction and operation of the rail line. The Applicant shall negotiate in good faith for the appropriate compensation or exchange acreage to compensate the State for any loss in acreage.

VM 25. The Applicant shall consult and coordinate with BLM and UDNR to ensure that the construction and operation of the selected alternative do not impair the Redmond WMA or reduce UDNR's ability to achieve the habitat goals and objectives stated in the Management Plan for the Redmond WMA (dated December 30, 2008).

VM 26. The Applicant shall work with BLM and UDNR to establish species composition, diversity, structure, and total ground cover appropriate for the desired plant community.

VM 27. The Applicant shall use temporary barricades, fencing, and/or flagging, as needed, to contain project-related impacts to the area within the construction right-of-way. Where possible, staging areas will be located on previously disturbed sites. However, staging areas will not be established in sensitive habitat areas.

VM 28. The Applicant shall install culverts at surface water crossings as needed along the rail line to maintain hydrologic connectivity of surface flows from west of Redmond WMA that are crucial to the maintenance and health of the wetland habitat in the area.

VM 29. The Applicant shall use best management practices (BMPs) that require all contractors to conduct daily inspections of all equipment for any fuel, lube oil, hydraulic, or antifreeze leaks. If leaks are found, the Applicant shall require the contractor to immediately remove the equipment from service and repair or replace it.

VM 30. The Applicant shall revegetate as needed any areas that are stripped of existing vegetation with desirable species (such as perennial species that are native to the region) using certified weed-free seed.

VM 31. The Applicant shall work with the appropriate county and state authorities to implement a noxious-weed-control program during construction and operation of the new rail line. A combination of seeding, mechanical weed control, and chemical weed-control mechanisms will be used. All herbicides will be approved by EPA. The Applicant shall make a reasonable attempt to notify residents of property adjacent to the right-of-way before the herbicides are used.

VM 32. The Applicant shall maintain the right-of-way to reduce the potential for uncontrolled wildfires. This maintenance could include reducing or eliminating vegetation accumulation within the right-of-way or seeding fire-resistant species of drought-tolerant plants that are suitable to the ecosystem.

VM 33. The Applicant shall mitigate potential impacts to raptors and shall implement management practices from the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002).

VM 34. The Applicant shall use BMPs including bank stabilization and erosion-control measures to protect fish habitat.

VM 35. The Applicant shall coordinate with BLM and UDNR to identify sensitive species within the proposed rail corridor and to identify measures to minimize impacts to such species during construction and operation of the rail line. These species shall include the long-billed curlew, southern leatherside chub, and other state-listed sensitive species. The crossing structure for the Sevier River will be designed to avoid or minimize impacts to the river channel, stream banks, active floodplain, and riparian vegetation. Guidelines from the U.S. Fish and Wildlife Service (USFWS) conservation agreement for the least chub will be implemented.

VM 36. The Applicant shall consult with BLM and UDNR during preliminary design to determine appropriate measures to prevent wildlife losses during migration periods.

VM 37. The Applicant shall consult with BLM and UDNR during the rail line design to provide reasonable enhancement (such as reseeding, restoration, or other appropriate measures) to parts of the deer winter range to replace habitat lost from the construction of the rail line and to attract the animals to the enhanced range and away from the rail line.

### ES.11.4 Voluntary Mitigation Measures for Water Resources and Wetlands

VM 38. The Applicant shall obtain any Federal permits required by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act from USACE before initiating project-related construction activities in wetlands and water bodies. The Applicant also agrees to obtain necessary state permits and authorizations. The Applicant shall incorporate stipulations of these permits and authorizations into construction contract specifications.

VM 39. The Applicant shall work directly with USACE to develop appropriate mitigation for direct wetland impacts as stipulated in the Section 404 permit.

VM 40. The Applicant shall, per the requirements of 33 CFR 325, avoid and minimize impacts to wetlands to the extent practicable during the preliminary and final design of the selected alternative. After all steps have been taken to avoid and minimize impacts to wetlands, the Applicant agrees to prepare compensatory mitigation for any remaining wetland impacts that cannot be avoided. Compensatory mitigation would be developed through any one or a combination of the following four methods: restoring a previously existing wetland or other aquatic site, enhancing an existing aquatic site's functions, establishing (that is, creating) a new aquatic site, and/or preserving an existing aquatic site.

VM 41. The Applicant shall, as appropriate, develop design measures to reduce the project's footprint at key locations where wetland impacts could be reduced.

VM 42. The Applicant shall use proper design and construction BMPs, including erosion control, to reduce the amount of sediment and pollutants entering surface waters, groundwater, and Waters of the U.S. The Applicant shall require its construction contractor to follow all mitigation measures required in all permits obtained, including the Section 404 permit from USACE and the Section 401 Water Quality Certificate from the Utah Department of Environmental Quality.

VM 43. The Applicant shall, in conjunction with Executive Order 11988, Floodplain Management, not place any dredge, fill, or bridge structures within the ordinary high-water mark of the Sevier Bridge Reservoir or Redmond Lake or within the 100-year floodplain of the Sevier River.

### ES.11.5 Voluntary Mitigation Measures for Topography, Geology, and Soils

VM 44. The Applicant shall secure all relevant permits for use of public land before beginning construction activities on public land.

VM 45. The Applicant shall limit ground disturbance to only the areas necessary for project-related construction activities.

VM 46. The Applicant shall, during project-related earth-moving activities, require the contractor to remove topsoil and segregate it from subsoil. The contractor shall also stockpile topsoil to be applied later during reclamation of disturbed areas along the right-of-way. The contractor shall place the topsoil stockpiles in areas that would minimize erosion and shall use appropriate erosion-control measures around all stockpiles to prevent erosion.

VM 47. The Applicant shall, during construction activity, take reasonable steps to ensure that its contractors use fill material appropriate for the project area.

VM 48. The Applicant shall begin reclamation of disturbed areas as soon as practicable after project-related construction ends along a particular stretch of rail line. The goal of reclamation will be the rapid and permanent re-establishment of native ground cover on disturbed areas. If weather or the season prevents vegetation from being quickly re-established, the Applicant shall use measures such as mulching or erosion-control blankets to prevent erosion until vegetative cover is established. The Applicant shall monitor reclaimed areas for 3 years. For those areas where efforts to establish vegetation cover have been unsuccessful after 1 year, the Applicant shall reseed annually for up to 3 years if needed.

### ES.11.6 Voluntary Mitigation Measures for Hazardous Materials

VM 49. The Applicant shall develop a spill-prevention plan before initiating any project-related construction activities for handling the release of petroleum products or other hazardous materials during construction activities.

VM 50. The Applicant shall, in the event of a spill, give local officials a list of government agencies and the Applicant's management personnel to be contacted. In the event of a reportable spill, the Applicant shall comply with its spill-prevention plan and applicable Federal, state, and local regulations pertaining to spill containment and appropriate clean-up.

VM 51. The Applicant shall require its construction contractor to implement measures to ensure that workers and the environment are protected if undocumented hazardous materials are encountered. The Applicant shall document all activities associated with hazardous material spill sites and hazardous waste sites and shall notify the appropriate local and state regulatory agencies according to applicable regulations. The measures will ensure the proper handling and disposal of contaminated materials including contaminated soil, groundwater, and stormwater, if such materials are encountered.

### ES.11.7 Voluntary Mitigation Measures for Air Quality

VM 52. The Applicant shall reduce fugitive-dust emissions created during project-related construction activities and shall implement appropriate fugitive-dust-suppression controls such as spraying water or other approved measures. The Applicant's construction contractor shall also regularly operate water trucks on haul roads to reduce dust.

VM 53. The Applicant shall work with its contractors to make sure that construction equipment is properly maintained and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air pollutant emissions.

### ES.11.8 Voluntary Mitigation Measures for Noise

VM 54. The Applicant shall comply with Federal Railroad Administration regulations that establish decibel limits for train operations and locomotive noise standards.

VM 55. The Applicant shall work with its construction contractors to minimize, to the extent practicable, construction-related noise disturbances near any residences.

VM 56. The Applicant shall maintain project-related construction and maintenance vehicles in good working order with properly functioning mufflers to control noise.

VM 57. The Applicant shall install rail-lubrication systems at curves where doing so would reduce the noise experienced by residents.

### ES.11.9 Voluntary Mitigation Measures for Socioeconomics

VM 58. The Applicant shall, before beginning construction activities related to this project, notify local communities, Counties, and landowners about construction timeframes and disturbances.

VM 59. The Applicant shall ensure that project-related construction vehicles, equipment, and workers will not access work areas through landowners' properties without the permission of the property owners. In the unlikely event of any inadvertent damage, the Applicant shall work with affected landowners to appropriately redress any damage to each landowner's property caused by the Applicant's project-related construction activities.

VM 60. The Applicant shall, at least 1 month before beginning construction activities in the project area, provide project-related construction information regarding the sequence of construction of public grade crossings and the approximate schedule

for these activities at each crossing, as well as any additional information as appropriate, to emergency response providers in Levan, Gunnison, Salina, Nephi, Manti, and Sigurd and the Park Manager at Yuba Lake Recreation Area.

VM 61. The Applicant shall, before the start of railroad operations, contact the emergency response providers in Levan, Gunnison, Salina, Nephi, Manti, and Sigurd and the Park Manager at Yuba Lake Recreation Area with information on the proposed operations to allow the local communities and Counties to incorporate the information into local response plans.

### ES.11.10 Voluntary Mitigation Measures for Historic Properties and Paleontological Resources

VM 62. The Applicant shall inform construction supervisors of the importance of protecting archaeological resources, graves, and other historic properties and how to recognize and treat these resources.

VM 63. The Applicant agrees to comply with the requirements of the Programmatic Agreement with the Utah State Historic Preservation Officer (SHPO) once it is executed.

### ES.11.11 Voluntary Mitigation Measures for Recreation

VM 64. The Applicant shall install rail crossing signs at the Painted Rocks Campground crossing and at an at-grade crossing for the Paiute all-terrain vehicle (ATV) trail.

VM 65. The Applicant shall design the Yuba Narrows crossing bridge to maximize, to the extent practicable, the ability of boats, water skiers, and other recreationists to pass under the bridge across the Sevier Bridge Reservoir.

VM 66. The Applicant shall coordinate with the Park Manager at Yuba Lake Recreation Area regarding schedule and access issues for boaters during construction. The Applicant shall install warning devices to notify boaters of project-related bridge construction.

VM 67. The Applicant shall ensure that public access roads to the Sevier Bridge Reservoir will remain open and will be signed for safety. If the rail line causes damage to existing facilities at the Painted Rocks Campground, the Applicant shall be responsible for repairing or replacing damaged facilities including but not limited to the Painted Rocks Well, water pipelines, water storage tank, septic systems, toilets, dump stations, roads, and campsites.

VM 68. The Applicant shall provide an at-grade crossing to maintain the continuity of the Paiute ATV trail. Appropriate signs will be installed for safety purposes. The Applicant shall coordinate the design of the crossing with the landowner. The Applicant shall install stop signs and appropriate railroad warning signs in conjunction with the rail crossing.

VM 69. If deemed appropriate, the Applicant agrees to improve the access road, associated fences, trees, and noise-mitigation structures along the 0.6-mile entrance to Painted Rocks Campground from SR 28.

VM 70. The Applicant shall consult with the Park Manager at Yuba Lake Recreation Area regarding construction activities and shall attempt to schedule project-related construction activities to avoid peak-use periods to the extent practical.

### ES.11.12 Voluntary Mitigation Measures for Aesthetics

VM 71. The Applicant shall develop all structural elements such as walls, bridges, and tunnels to harmonize with existing structures and other landscape elements in the project area. For instance, visual impacts to slope lengths will be reduced by leaving native boulders in place or by adding additional boulders to the slope. This practice will provide erosion control and add visual interest to the slope.

VM 72. The Applicant shall use cut techniques such as slope rounding, undulating the face, and constant distance in rolling topography as appropriate.

VM 73. The Applicant shall further soften slope cuts and stabilize them by mulching the stripped vegetation and reapplying the mulch to the slope. Any slope cuts on public land administered by BLM will be restored to the original visual resource management (VRM) objective for that location as specified by appropriate BMPs and in the most recent Resource Management Plan.

VM 74. The Applicant shall, after project construction, landscape cut-and-fill areas with appropriate native vegetation where practicable to make the area appear as natural as reasonably possible. Any slope cuts on public land administered by BLM will be restored to the original VRM objective for that location as specified in the most recent Resource Management Plan.

## ES.12 OEA's Preliminary Recommended Mitigation Measures

OEA has developed preliminary recommended mitigation (RM) measures to minimize or avoid potential project-related impacts. Based on the new project information, OEA recommends 13 new mitigation measures to address the resource concerns raised by agencies and individuals in written comments on the Draft EIS. Table ES-4 below summarizes the mitigation measures that are new in this Supplemental Draft EIS.

| Table ES-4. Additional Mitigation Recommended by OEA | |
|---|---|
| **Measure No.** | **Description** |
| RM 12 | The Applicant shall prepare a Reclamation Plan for re-establishing vegetation in areas disturbed by construction related to this project. The Applicant shall coordinate with UDNR in developing the plan to ensure for appropriate seed mixtures, planting rates and times, and post-planting monitoring methods and schedules to ensure that the criteria for success are met, to the extent practicable. |
| RM 13 | The Applicant shall coordinate with the U.S. Department of the Interior and the Utah Division of Wildlife Resources to identify appropriate seasonal restrictions on project-related construction and operations that will ensure protection of all migratory birds during their breeding, nesting, and roosting seasons. Preconstruction surveys for raptors and migratory birds will be conducted if large, woody vegetation or dense shrubs are scheduled to be cleared during the nesting seasons for either raptors or migratory songbirds. The nesting season for raptors in larger, woody vegetation (such as trees near streams or canal crossings) is February 1 through July 31. The nesting season for smaller, migratory songbirds in any woody vegetation (including trees and shrubs) is May 1 through August 30. |
| RM 14 | During project-related construction and operation, the Applicant shall avoid and minimize impacts to Waters of the U.S., including wetlands, to the extent practicable. If construction is authorized, the Applicant will conduct a wetland delineation in compliance with Section 404 of the Clean Water Act. The Applicant will comply with all reasonable requirements as required by USACE. The total acreage of jurisdictional wetlands identified during this process and the results of the functional assessment will determine the type and amount of mitigation required to offset impacts to Waters of the U.S. in accordance with the requirements of 33 CFR 325 and 332. The Applicant will be required to develop mitigation for impacts to wetlands and other Waters of the U.S., such as ephemeral and perennial drainages. |
| RM 15 | The Applicant shall implement all reasonable BMPs imposed by USACE under Section 404 of the Clean Water Act to minimize project-related impacts to Waters of the U.S., including wetlands. BMPs could include:<br>• Containing sediment and turbidity at the work site by installing diversion or containment structures.<br>• Disposing of dredge spoils or unusable excavated material not used as backfill at upland disposal sites in a manner that minimizes impacts on wetlands.<br>• Revegetating wetlands as soon as possible, preferably in the same growing season, by systematically removing vegetation, storing it in a manner to retain viability, and replacing it after construction to restore the site.<br>• Stockpiling topsoil and organic surface material, such as root mats, separately from overburden and returning them to the surface of the restored site.<br>• Dispersing the load of heavy equipment such that the bearing strength of the soil (the maximum load the soil can sustain) would not be exceeded. Suitable methods could include, but are not limited to, working in frozen or dry ground conditions, using mats when working in wetlands or mudflats, and using tracked rather than wheeled vehicles.<br>• Using techniques such as brush layering, brush mattressing, live siltation (a revegetation technique used to trap sediment), jute matting, and coir logs to stabilize soil and re-establish native vegetation. |
| RM 16 | The Applicant shall design and construct the rail line authorized by the Board in such a way as to maintain natural water flow and drainage patterns to the extent practicable. This shall include installing bridges or placing equalization culverts through the embankment as necessary to prevent the impoundment of water or excessive drainage and maintaining the connectivity of floodplains and wetlands as applicable. |
| RM 17 | During rail construction, the Applicant shall disturb the smallest area practicable around any streams and, as soon as practicable following project-related construction activities, shall revegetate disturbed areas using native vegetation. |

| Table ES-4. Additional Mitigation Recommended by OEA | |
|---|---|
| **Measure No.** | **Description** |
| RM 18 | The Applicant shall minimize the number of temporary stream crossings constructed to provide access for contractors, work crews, and heavy equipment to the extent practicable. Where needed, temporary structures shall be placed to avoid overly constricting active channels and shall be removed as soon as practicable after the crossing is no longer needed. |
| RM 19 | The Applicant shall coordinate with USACE, BLM, and UDNR to ensure that new project-related stream and floodplain crossings are appropriately designed. For crossings within the mapped 100-year floodplain, drainage crossing structures shall be designed to pass a 100-year flood. |
| RM 20 | The Applicant shall evaluate project-related construction water needs in relation to stream flow rates and groundwater recharge rates, as appropriate, and shall minimize effects on surface water and groundwater. Water withdrawals shall be subject to prior written approval by UDNR for withdrawals from fish-bearing waters. |
| RM 31 | The Applicant shall work with individual land owners to avoid, where possible, creating small areas of farmland that could no longer be farmed due to project-related rail construction and operation. The Applicant shall work with an appropriate local or state agency and in consultation with the property owner to determine, on a case-by-case basis, whether farmland could remain farmable and whether steps reasonably can be taken to maximize the amount of farmland that will remain farmable. |
| RM 37 | The Applicant shall obtain all relevant Federal, state, and local permits prior to beginning construction activities. |

### ES.12.1 Preliminary Recommended Mitigation Measures for Rail Operations and Safety

RM 1. The Applicant shall comply with the safety regulations implemented and enforced by the Federal Railroad Administration.

RM 2. According to the National Pipeline Mapping System, two major pipeline companies have facilities in the general area. The Applicant shall conduct the necessary surveys to determine whether project-related construction would cross any existing pipelines and shall comply with any applicable regulations and the regulations implemented and enforced by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety.

RM 3. The Applicant shall consult with appropriate Federal, state, and local transportation agencies to determine the final design and other details of project-related grade-crossing warning devices. Implementation of all project-related grade-crossing warning devices on public roads would be subject to the review and approval of UDOT and Juab, Sevier, and Sanpete Counties.

RM 4. The Applicant shall coordinate with UDOT and Juab, Sevier, and Sanpete Counties to minimize delay during grade-crossing construction.

### ES.12.2 Preliminary Recommended Mitigation Measures for Land Use

RM 5. The Applicant shall comply with all Federal and state regulations that apply to land use, as practicable, in the project area.

RM 6. The Applicant shall work with local farm agencies and landowners, to the extent practicable, to determine when property is no longer farmable due to the location of the proposed track and to determine appropriate remedies for the landowner.

RM 7. The Applicant shall work with farmers to remedy, to the extent practicable, any damage to crops caused by the Applicant's construction and operation activities related to the project. This includes any impacted irrigation appurtenances.

RM 8. Prior to commencing any project-related construction activities, the Applicant shall provide its construction schedule to affected farmers and ranchers to allow them to determine whether they should continue to farm areas or discontinue farming due to impending construction activities related to the project.

RM 9. The Applicant shall work with ranchers to remedy, to the extent practicable, any damage to pastures or rangelands caused by the Applicant's construction or reconstruction activities related to the project.

RM 10. The Applicant shall negotiate with farmers and ranchers regarding the possibility of train-free periods to facilitate movement of equipment or livestock from one side of the rail line to the other.

### ES.12.3 Preliminary Recommended Mitigation Measures for Biological Resources

RM 11. The Applicant shall notify the Board and USFWS if any Federally listed threatened or endangered species are discovered during project-related construction activities.

RM 12. The Applicant shall prepare a Reclamation Plan for re-establishing vegetation in areas disturbed by construction related to this project. The Applicant shall coordinate with UDNR in developing the plan to ensure for appropriate seed mixtures, planting rates and times, and post-planting monitoring methods and schedules to ensure that the criteria for success are met, to the extent practicable.

RM 13. The Applicant shall coordinate with the U.S. Department of the Interior and the Utah Division of Wildlife Resources to identify appropriate seasonal restrictions on project-related construction and operations that will ensure protection of all migratory birds during their breeding, nesting, and roosting seasons. Preconstruction surveys for raptors and migratory birds will be conducted if large, woody vegetation or dense shrubs are scheduled to be cleared during the nesting seasons for either raptors or migratory songbirds. The nesting season for raptors in larger, woody vegetation (such as trees near streams or canal crossings) is February 1 through July 31. The nesting season for smaller, migratory songbirds in any woody vegetation (including trees and shrubs) is May 1 through August 30.

### ES.12.4 Preliminary Recommended Mitigation Measures for Water Resources and Wetlands

RM 14. During project-related construction and operation, the Applicant shall avoid and minimize impacts to Waters of the U.S., including wetlands, to the extent practicable. If construction is authorized, the Applicant will conduct a wetland delineation in compliance with Section 404 of the Clean Water Act. The Applicant will comply with all reasonable requirements as required by USACE. The total acreage of jurisdictional wetlands identified during this process and the results of the functional assessment will determine the type and amount of mitigation required to offset impacts to Waters of the U.S. in accordance with the requirements of 33 CFR 325 and 332. The Applicant will be required to develop mitigation for impacts to wetlands and other Waters of the U.S., such as ephemeral and perennial drainages.

RM 15. The Applicant shall implement all reasonable BMPs imposed by USACE under Section 404 of the Clean Water Act to minimize project-related impacts to Waters of the U.S., including wetlands. BMPs could include:

- Containing sediment and turbidity at the work site by installing diversion or containment structures.
- Disposing of dredge spoils or unusable excavated material not used as backfill at upland disposal sites in a manner that minimizes impacts on wetlands.
- Revegetating wetlands as soon as possible, preferably in the same growing season, by systematically removing vegetation, storing it in a manner to retain viability, and replacing it after construction to restore the site.
- Stockpiling topsoil and organic surface material, such as root mats, separately from overburden and returning them to the surface of the restored site.
- Dispersing the load of heavy equipment such that the bearing strength of the soil (the maximum load the soil can sustain) would not be exceeded. Suitable methods could include, but are not limited to, working in frozen or dry ground conditions, using mats when working in wetlands or mudflats, and using tracked rather than wheeled vehicles.
- Using techniques such as brush layering, brush mattressing, live siltation (a revegetation technique used to trap sediment), jute matting, and coir logs to stabilize soil and re-establish native vegetation.

RM 16. The Applicant shall design and construct the rail line authorized by the Board in such a way as to maintain natural water flow and drainage patterns to the extent practicable. This shall include installing bridges or placing equalization culverts through the embankment as necessary to prevent the impoundment of water or excessive drainage and maintaining the connectivity of floodplains and wetlands as applicable.

RM 17. During rail construction, the Applicant shall disturb the smallest area practicable around any streams and, as soon as practicable following project-related construction activities, shall revegetate disturbed areas using native vegetation.

RM 18. The Applicant shall minimize the number of temporary stream crossings constructed to provide access for contractors, work crews, and heavy equipment to the extent practicable. Where needed, temporary structures shall be placed to avoid overly constricting active channels and shall be removed as soon as practicable after the crossing is no longer needed.

RM 19. The Applicant shall coordinate with USACE, BLM and UDNR to ensure that new project-related stream and floodplain crossings are appropriately designed. For crossings within the mapped 100-year floodplain, drainage crossing structures shall be designed to pass a 100-year flood.

RM 20. The Applicant shall evaluate project-related construction water needs in relation to stream flow rates and groundwater recharge rates, as appropriate, and shall minimize effects on surface water and groundwater. Water withdrawals shall be subject to prior written approval by UDNR for withdrawals from fish-bearing waters.

RM 21. When project-related activities, such as culvert and bridge construction, require work in stream beds, the Applicant shall conduct activities, to the extent practicable, during either summer or winter low-flow conditions.

RM 22. The Applicant shall work with BLM to mitigate any potential impacts of project-related construction and operation activities to groundwater wells near the Painted Rocks Campground and any other groundwater wells in the project area.

RM 23. The Applicant shall be responsible for promptly bringing the wells and water system back into compliance if construction or operation of the rail line affects wells and/or water systems.

RM 24. The Applicant shall design the selected alternative according to the applicable standards of the floodplain programs administered by Sanpete and Sevier Counties.

### ES.12.5 Preliminary Recommended Mitigation Measures for Topography, Geology, and Soils

RM 25. The Applicant shall secure all relevant permits for use of public land before beginning project-related construction activities on public land.

### ES.12.6 Preliminary Recommended Mitigation Measures for Hazardous Materials

RM 26. The Applicant shall maintain the right-of-way in a sanitary condition during all project-related construction, operation, maintenance, and termination activities.

RM 27. The Applicant shall ensure that waste materials related to this project are removed and disposed of promptly at an appropriate waste-disposal site.

RM 28. The Applicant shall ensure that gasoline, diesel fuel, oil, lubricants, and other petroleum products are handled and stored in such a manner as to prevent them from entering into and contaminating soils on public land. If a petroleum spill occurs in the project area as a result of rail construction, operation, maintenance, or termination activities, the Applicant shall be responsible for promptly cleaning up any spills in accordance with Federal and state regulations.

### ES.12.7 Preliminary Recommended Mitigation Measures for Air Quality

RM 29. The Applicant shall comply with applicable Federal and state air quality regulations.

### ES.12.8 Preliminary Recommended Mitigation Measures for Noise

RM 30. The Applicant shall work with its contractors to minimize, to the extent practicable, construction-related noise disturbances in residential areas. Construction-related and maintenance vehicles must be in good working order with properly installed mufflers to control noise.

### ES.12.9 Preliminary Recommended Mitigation Measures for Energy Resources

No mitigation measures are proposed for impacts to energy resources.

### ES.12.10 Preliminary Recommended Mitigation Measures for Socioeconomics

RM 31. The Applicant shall work with individual land owners to avoid, where possible, creating small areas of farmland that could no longer be farmed due to project-related rail construction and operation. The Applicant shall work with an appropriate local or state agency and in consultation with the property owner to determine, on a case-by-case basis, whether farmland could remain farmable and whether steps reasonably can be taken to maximize the amount of farmland that will remain farmable.

RM 32. The Applicant shall, before beginning construction activities related to this project, establish a Community Liaison to consult with affected communities, businesses, and agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic public outreach for 1 year after operations on the new rail line begin.

RM 33. The Applicant shall provide the name and phone number of the Community Liaison to appropriate local officials in communities through which the new rail line passes.

### ES.12.11 Preliminary Recommended Mitigation Measures for Historic Properties and Paleontological Resources

RM 34. The Applicant shall comply with the provisions of the Programmatic Agreement once it is executed.

### ES.12.12 Preliminary Recommended Mitigation Measures for Recreation

RM 35. The Applicant shall coordinate with the U.S. Forest Service and BLM to ensure that impacts to the Paiute ATV trail are addressed to reduce or avoid impacts to the trail as practicable. The Applicant's voluntary mitigation should further reduce impacts to the trail. OEA has determined that the Applicant's Proposed Action in this Supplemental Draft EIS (Alternative B/B2) and Alternative B3/B2 would have a negligible effect on recreation.

## ES.12.13 Preliminary Recommended Mitigation Measures for Federal Public Land

RM 36. The Applicant's mitigation measures for impacts to Federal public land shall comply with the most recent Federal land-use policies, regulations, and procedures. In addition to the mitigation recommended by the Board and the voluntary mitigation proposed by the Applicant in Section ES.11, Applicant's Voluntary Mitigation Measures, of this chapter, BLM recommends the following mitigation measures for construction, operation, and termination activities on Federal public land:

- The Applicant shall secure all relevant Federal, state, and local permits before beginning construction activities.
- The Applicant shall stake the centerline and clearly mark the exterior boundary of the right-of-way area before beginning construction activities.
- The Applicant shall ensure that all activities associated with the construction, operation, maintenance, and termination of the proposed project on Federal land under BLM's jurisdiction are confined within the authorized limits of the described right-of-way area, unless otherwise approved in writing by BLM.
- The Applicant shall ensure that surveys for specific species, if required, are conducted before beginning construction activities. These surveys will be conducted following BLM-approved protocols and regulations. Also, if appropriate, mitigation measures from recovery plans, conservation plans, or conservation agreements will be implemented in cooperation with BLM and state and Federal wildlife agencies.
- The Applicant shall be responsible for repairing existing facilities that are damaged during operation, maintenance, or termination of activities on Federal land under the jurisdiction of BLM. These facilities shall be repaired or restored to the same condition as existed before the damage.
- The Applicant shall obtain the prior written approval of BLM if, at any time after the grant to cross Federal public land, the Applicant wishes to reconstruct, remodel, or relocate any part of the right-of-way or change, modify, or add improvements or facilities on Federal land under BLM's jurisdiction.
- The Applicant shall ensure full compliance with the terms, conditions, and stipulations of any BLM right-of-way grant. Failure or refusal of the Applicant's agents, contractors, subcontractors, or employees to comply with the terms, conditions, and stipulations shall be the ultimate responsibility of the Applicant.
- The Applicant shall meet with BLM to arrange a joint inspection of the right-of-way when the grant to cross Federal public land is no longer needed and before discontinuing use of the facilities on Federal land under BLM's jurisdiction. The inspection will be held to agree on an acceptable abandonment (discontinuing use of the facilities under BLM jurisdiction) and rehabilitation plan. BLM must approve the plan in writing before the Applicant begins any abandonment (discontinuing use of the facilities under BLM jurisdiction) and/or rehabilitation activities.

### ES.12.14 General

RM 37. The Applicant shall obtain all relevant Federal, state, and local permits prior to beginning construction activities.

## ES.13 Request for Comments

The public and any interested parties are encouraged to submit written comments on all aspects of the Draft EIS and this Supplemental Draft EIS. OEA will consider all comments in preparing the Final EIS, which will include responses to all substantive comments, OEA's final conclusions on expected impacts, and final recommendations, including mitigation recommendations. In the Final EIS, OEA will respond to comments on the Draft EIS and the Supplemental Draft EIS.

All comments must be submitted within the 45-day comment period, which will close June 23, 2014. When submitting comments, please be as specific as possible and substantiate your concerns and recommendations. Please mail written comments to the address below:

Ms. Phillis Johnson-Ball
Environmental Filing FD 34075
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link in the top navigation bar. OEA requests written and electronic comments only and will not hold a public meeting to solicit spoken comments. Comments will be posted on the Board's website after they are received.

Comments received in response to this solicitation, including the names and addresses of those who comment, will be considered part of the public record for this project and will be available for public review. Comments submitted anonymously will be accepted and considered. If an individual or an agency filed a comment letter on the Draft EIS, it is not necessary to resubmit that comment letter to OEA.

This Supplemental Draft EIS and the Draft EIS are available on the Board's website, www.stb.dot.gov. The Draft EIS is provided on a disk with this Supplemental Draft EIS.

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